

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 27, 2009

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J. and S. Stahl, Deputy Clerk.

Each of the following:

B208210 People v. Aranda & Aranda
B196752 People v. Tanks
B207654 People v. Smith
B207817 People v. McDaniel
B209031 People v. Favors
B209821 People v. Willis
B210108 People v. Golson
B210234 People v. Tellez
B210455 County of Los Angeles v. Safety National Casualty
B210504 People v. Olivar
B210946 People v. Scott
B211062 People v. Garcia
B212790 People v. E.G.
B213813 People v. F.S.
B214186 DCFS v. C.K.
B214353 DCFS v. J.V.
B214469 DCFS v. M.J.
B214922 People v. Torres
B215923 DCFS v. D.C.
B216127 DCFS v. R.E.
B218462 P. B. v. SCLA

Argument waived, cause submitted.

DIVISION ONE (continued)

B207053 People
 v.
 Cummings

Merits:

Argued by Tracy Dressner for appellant and by Theresa A. Patterson, Deputy Attorney General, for respondent. Counsel waived the presence of Johnson, J. Cause submitted.

B213547 Los Angeles County, D.C.F.S.
 v.
 M.B.

Merits:

Argued by Mitchell Keiter for appellant and by Jeanette Cauble, Deputy County Counsel, for respondent. Counsel waived the presence of Johnson, J. Cause submitted.

B211394 People
 v.
 Pasqual

Merits:

Argued by William S. Pitman for appellant and by Eric J. Kohm, Deputy Attorney General, for respondent. Cause submitted.

Johnson, J. assumes the bench.

DIVISION ONE (continued)

B217981 Z.R. and DCFS
 v.
 Superior Court, Los Angeles County
 (C.V., r.p.i.)

B217923 DCFS
 v.
 Superior Court, Los Angeles County
 (C.V., r.p.i.)

Merits:

Argued by Sophia Ali for petitioner Z.R. (minor), by Olivia R. Ramirez, Deputy County Counsel, for petitioner DCFS and by Ellen L. Beacon, for real party in interest C.V. (mother). Cause submitted.

Rothschild, J. leaves the bench.

B214635 Davis, et al.
 v.
 Acuff, et al.

Merits:

Argued by Ronald Rus for appellants and by Hillel Chodos for respondents. Cause submitted.

Rothschild, J. returns to the bench.

B210751 Azer
 v.
 Los Angeles County Sheriff's Office, et al.

Merits:

Argued by Barry M. Wolf for appellant and by Elizabeth M. Kessel for respondents. Cause submitted.

Court adjourned.

DIVISION ONE (continued)

B202934 People
v.
Chatman

Filed order denying petition for rehearing.

DIVISION TWO

B211011 People (Not for Publication)
v.
Collins

The judgment is modified to strike the five-year gang enhancement and impose the minimum parole eligibility term of 15 years and is otherwise affirmed. On remand, the trial court is directed to modify the abstract of judgment accordingly.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B208889 People (Not for Publication)
v.
Cordon

The judgment is ordered modified to reflect that the sentences on count 2 for grand theft of personal property and count 3 for grand theft auto are stayed pursuant to section 654. As so modified, the judgment is affirmed. The trial court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B208439 Concerned Residents of Hancock Park, et al. (Not for Publication)
v.
City of Los Angeles, et al.
Yavneh Hebrew Academy, etc.

The judgment is affirmed. Respondents to recover their costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B209081 People (Not for Publication)
v.
Jorge Humberto Vega

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

B209915 People (Not for Publication)
v.
Kennon Lavelle Duronte

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B207238 Katsh (Not for Publication)
v.
Murphy, et al.

The judgment is reversed with directions to the trial court to vacate its order sustaining the general demurrer to each of the four counts alleged in the first amended complaint without leave to amend, and enter a new order (1) sustaining the general demurrer to the count for unlawful detainer with leave to amend the complaint to allege an unlawful detainer based on failure to comply with the use restriction; (2) sustaining the general demurrer to the count for quiet title without leave to amend; (3) dismissing the count for declaratory relief as moot; and (4) sustaining the general demurrer to the count for ejectment with leave to amend the complaint to allege Plaintiff's right to terminate the tenancy and recover possession of the property based on the alleged violation of the use restriction. The appeal as to the denial of Plaintiff's motion for relief from the judgment, the denial of his motion to vacate the judgment, and the award of attorney fees and costs is dismissed as moot. Each party is to bear its own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B215301 Los Angeles County, D.C.F.S. (Not for Publication)
v.
P.S.

The order from which Mother has appealed is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (continued)

B205452 Law Offices of Andrew L. Ellis, etc. (Certified for Publication)
v.
Melanie Yang, etc., et al.

The order denying the anti-SLAPP motion is vacated. The matter is remanded to the trial court with directions that the case is to be dismissed without prejudice. Plaintiff is awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B214056 Rosenberg, et al. (Not for Publication)
v.
The Screen Actors Guild

The appeal is dismissed. Respondent is awarded its costs on appeal.

Manella, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

B209704 Williams (Not for Publication)
v.
Perez

The order denying the petition with prejudice is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

DIVISION FOUR (continued)

B212591 Kramer, et al. (Not for Publication)

V.

Community Redevelopment Agency of the City of Los Angeles, et al.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B215312 Los Angeles County, D.C.F.S. (Not for Publication)

V.

L.P.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B211244 People (Not for Publication)

V.

A.R.

The minute order dated August 14, 2008, or ordered corrected as follows: (1) the notation that the offense is declared a felony is stricken; and (2) the maximum period of confinement is stricken. The cause is remanded to the juvenile court for an express declaration as to whether the violation of Penal Code section 12022, subdivision (a)(1) is a felony or a misdemeanor. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

DIVISION FIVE (continued)

B211479 People (Not for Publication)
v.
Edmond Estudillo

The abstract of judgment is ordered corrected as to the enhancements to reflect the imposition of a five year term pursuant to Penal Code section 667, subdivision (a), and a one year term pursuant to Penal Code section 667.5, subdivision (b). No other Penal Code section 667.5, subdivision (b), enhancements are to be reflected in the abstract of judgment. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B213955 Danielle Cook (Not for Publication)
v.
Gallade Chemical, Inc., et al.

The judgment is reversed as to all defendants except PPG and Sherwin-Williams, as to whom the judgment is affirmed. All defendants save PPG and Sherwin-Williams are to bear plaintiff's costs on appeal. Plaintiff is to bear the costs on appeal of PPG and Sherwin-Williams.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION FIVE (continued)

B212797 Justin Ringgold-Lockhart (Not for Publication)
 v.
 Myer Sankary

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Flier, J. (Assigned)

B207553 10700 Rangeline Road, LLC (Not for Publication)
 v.
 Leatrice Baptiste et al

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B218602 Joseph v. LaCarte
 v.
 Joyce R. Robinson

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed August 12, 2009) dismissed.

DIVISION SIX

B213741 People (Not for Publication)
v.
Hodges

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B211565 People
v.
Kenneth David Ruz

Filed order modifying opinion. (No change in the judgment)

DIVISION EIGHT

B209631 People (Not for Publication)
v.
Roy Caraway

The judgment is affirmed.

Mohr, J. (Assigned)

We concur: Flier, Acting P.J.
Bigelow, J.

DIVISION EIGHT (continued)

B209213 Angela Cameron et al., (Not for Publication)
 v.
 US Band Home Mortgage, et al.

The judgment in favor of the Bank is reversed and the trial court's discovery orders are affirmed. The cause is remanded to the trial court with direction to vacate its order granting the Bank's motion for summary judgment and to enter a new order denying the motion. The judgment on the cross-complaint in interpleader is affirmed. The appellants are entitled to their costs for the appeal from the judgment in favor of the Bank, and respondents Beneficial California, Inc., Water and Power Community Credit Union, and the Estate of Robert Wilson are entitled to recover their costs.

Mohr, J. (Assigned)

We concur: Flier, Acting P.J.
 Bigelow, J.